

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, Derivatively on Behalf of	LEHMAN BROTHERS HOLDINGS INC.,	:
	Plaintiff,	:
vs.		:
RICHARD S. FULD, JR., et al.,		:
	Defendants,	:
- and -		:
LEHMAN BROTHERS HOLDINGS INC.,		:
	Nominal Defendant.	:
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Civil Action No. 07-CV-2990 (DAB)
DECLARATION OF SAMUEL H.
RUDMAN IN SUPPORT OF THE MOTION
OF LOCALS 302 AND 612 OF THE
INTERNATIONAL UNION OF
OPERATING ENGINEERS-EMPLOYERS
CONSTRUCTION INDUSTRY
RETIREMENT TRUST FOR
CONSOLIDATION, APPOINTMENT AS
LEAD PLAINTIFF AND FOR APPROVAL
OF SELECTION OF LEAD COUNSEL

[Caption continued on following page.]

DORIS STAEHR, Derivatively on Behalf of
LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

vs.

RICHARD S. FULD, JR., et al.,

Defendants,

– and –

LEHMAN BROTHERS HOLDINGS INC., a
Delaware corporation,

Nominal Defendant.

LOCALS 302 & 612 OF THE
INTERNATIONAL UNION OF OPERATING
ENGINEERS-EMPLOYERS
CONSTRUCTION INDUSTRY
RETIREMENT TRUST, Derivatively on Behalf
of LEHMAN BROTHERS HOLDINGS INC.,

Plaintiff,

vs.

RICHARD S. FULD, JR., et al.,

Defendants,

– and –

LEHMAN BROTHERS HOLDINGS INC., a
Delaware corporation,

Nominal Defendant.

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Civil Action No. 07-CV-3562 (DAB)

Civil Action No. 07-CV-3950 (DAB)

X

Samuel H. Rudman, declares, under penalty of perjury:

1. I am a member of the law firm of Lerach Coughlin Stoia Geller Rudman & Robbins LLP (“Lerach Coughlin”), one of Plaintiff’s counsel in the action entitled *Locals 302 & 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust ex rel. Lehman Brothers Holdings, Inc. v. Fuld, et. al.*, Civil Action No. 07-cv-03950 (DAB) (the “*Retirement Trust Action*”). I submit this Declaration in support of the motion of Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel.
2. Attached hereto as Exhibit A is a true and accurate copy of a July 27, 2006 article entitled *High-tech hub accused of taking the easy option*, published in the *Financial Times*.
3. Attached hereto as Exhibit B is a true and accurate copy of a May 22, 2006 article entitled *Five more companies show questionable options pattern*, published in the *Associated Press*.
4. Attached hereto as Exhibit C is a true and accurate copy of a June 2, 2006 article entitled *Lessons of the stock options scandal*, published in the *Financial Times*.
5. Attached hereto as Exhibit D is a true and accurate copy of a transcript of *Kudlow & Company*, which aired on CNBC on May 8, 2006.
6. Attached hereto as Exhibit E is a true and accurate copy of the firm resume of Lerach Coughlin.
7. Attached hereto as Exhibit F is a true and accurate copy of Andrews Corporation Officers & Directors Liability Litigation Report entitled *Sprint Settlement Includes Groundbreaking Changes for Independent Directors*, dated April 7, 2003.

8. Attached hereto as Exhibit G is a true and accurate copy of a January 28, 2005 article entitled *Ashland Agrees to Corporate Governance Changes to Settle Shareholder Lawsuit*, published in the *Associated Press*.

9. Attached hereto as Exhibit H is a true and accurate copy of a May 23, 2002 article entitled *E*TRADE Group, Inc. Announces Intent to Add New Board Member and Memorandum Of Understanding to Resolve Shareholder Derivative Suit; Board Announces Search for New Outside Director Who Will Chair Compensation Committee*, published on *PR Newswire*.

10. Attached hereto as Exhibit I is a true and accurate copy of a May 14, 2003 article entitled *Shareholders win in Hanover settlement*, published in the *USA TODAY*.

DATED: August 1, 2007

/s/ Samuel H. Rudman
SAMUEL H. RUDMAN (SR-7957)

CERTIFICATE OF SERVICE

I, Samuel H. Rudman, hereby certify that on August 1, 2007, I caused a true and correct copy of the attached:

Notice Of Motion For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel;

Memorandum In Support Of The Motion Of Locals 302 And 612 Of The International Union Of Operating Engineers-Employers Construction Industry Retirement Trust For Consolidation, Appointment As Lead Plaintiff And For Approval Of Selection Of Lead Counsel; and

Declaration of Samuel H. Rudman in Support of the Motion of Locals 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel.

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ Samuel H. Rudman
Samuel H. Rudman

LEHMAN BROTHERS HOLDINGS SERVICE LIST

Geoffrey M. Johnson, Esq.
Scott & Scott, LLP
33 River Street
Chagrin Falls, OH 44022
Telephone: 440/247-8200
440/247-8275 (fax)

Beth Ann Kaswan, Esq.
Milberg Weiss Bershad & Schulman LLP
One Pennsylvania Plaza
49th Floor
New York, New York 10119
Telephone: 212/594-5300
212/868-1229 (fax)

David R. Scott, Esq.
Scott & Scott, LLC
108 Norwich Avenue
P.O. Box 192
Colchester, CT 06415
Telephone: 860/537-5537
860/537-4432 (fax)

Arshan Amiri, Esq.
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: 619/525-3990
619/525-3990 (fax)

Felipe J. Arroyo, Esq.
Jeffrey P. Fink, Esq.
Brian James Robbins, Esq.
Robbins Umeda & Fink, LLP
610 West Ash Street, Suite 1800
San Diego, CA 92101
Telephone: 619/525-3990
619/525-3991 (fax)

Thomas G. Amon, Esq.
Law Offices of Thomas G. Amon
500 Fifth Avenue, Suite 1650
New York, NY 10110
Telephone: 212/810-2430
212/810-2427 (fax)

Samuel H. Rudman, Esq.
David A. Rosenfeld, Esq.
Mario Alba Jr., Esq.
Lerach Coughlin Stoia Geller Rudman & Robbins
LLP
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100
631/367-1173 (fax)

Michael J. Chepiga, Esq.
James G. Gamble, Esq.
Eric M. Albert, Esq.
Simpson Thacher & Bartlett LLP
425 Lexington Avenue
New York, NY 10017
Telephone: 212/455-2000
212/455-2502 (fax)